

DECLARATION
AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that

My residence, post office address and citizenship are as stated below at 201 et seq. underneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled:

RETROVIRAL GENE THERAPY VECTORS AND THERAPEUTIC METHODS BASED THEREON

the specification of which:

☐ is attached hereto
☒ was filed in the United States on June 2, 1994 as Application Serial No. 08/252,710 (for declaration not accompanying application)
with amendment(s) filed on _____ (if applicable)

☐ was filed as PCT international application Serial No. _____ on _____ and was amended under PCT
Article 19 on _____ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, §119/§172 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED UNDER 35 U.S.C. 119/172
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>
			YES <input type="checkbox"/> NO <input type="checkbox"/>

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

APPLICATION SERIAL NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED
07/786,015	October 31, 1991		X	
07/607,252	October 31, 1990		X	
07/131,926	December 11, 1987			X

31 POWER OF ATTORNEY: As a named inventor, I hereby appoint S. Leslie Misrock (Reg. No. 18872), Harry C. Jones, III (Reg. No. 20280), Berj A. Terzian (Reg. No. 20060), Gerald J. Flintoft (Reg. No. 20823), David Weild, III (Reg. No. 21094), Jonathan A. Marshall (Reg. No. 24614), Barry D. Rein (Reg. No. 22411), Stanton T. Lawrence, III (Reg. No. 25736), Isaac Jarkovsky (Reg. No. 22713), Joseph V. Colaianne (Reg. No. 20019), Charles E. McKenney (Reg. No. 22795), Philip T. Shannon (Reg. No. 24278), Francis E. Morris (Reg. No. 24615), Charles E. Miller (Reg. No. 24576), Gidon D. Stern (Reg. No. 27469), John J. Lauter, Jr. (Reg. No. 27814), Brian M. Poissant (Reg. No. 28462), Brian D. Coggio (Reg. No. 27624), Rory J. Radding (Reg. No. 28749), Stephen J. Harbulak (Reg. No. 29166), Donald J. Goodelf (Reg. No. 19766), James N. Palik (Reg. No. 25510), Thomas E. Friebe (Reg. No. 29258), Laura A. Coruzzi (Reg. No. 30742), Jennifer Gordon (Reg. No. 30753), Jon R. Stark (Reg. No. 30111), Allan A. Fanucci (Reg. No. 30256), Geraldine F. Baldwin (Reg. No. 31232), Victor N. Balancia (Reg. No. 31231), Albert P. Halluin (Reg. No. 25227), and Marcia H. Sundeen (Reg. No. 30893), whose address is Pennie & Edmonds, 1155 Avenue of the Americas, New York, New York 10036, and each of them, my attorneys, to prosecute this application, and to transact all business in the Patent and Trademark Office connected therewith.

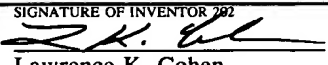

SEND CORRESPONDENCE TO: <u>PENNIE & EDMONDS</u> <u>1155 AVENUE OF THE AMERICAS</u> <u>NEW YORK, N.Y. 10036-2711</u>				DIRECT TELEPHONE CALLS TO: <u>PENNIE & EDMONDS</u> <u>(212) 790-9090</u>	
201	FULL NAME OF INVENTOR	LAST NAME <u>Rivière</u> 1-00	FIRST NAME <u>Isabelle</u>	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY <u>Boston</u>	STATE OR FOREIGN COUNTRY <u>Massachusetts</u> MA	COUNTRY OF CITIZENSHIP <u>French</u>	
	POST OFFICE ADDRESS	STREET <u>90 West Cedar Street</u>	CITY <u>Boston</u>	STATE OR COUNTRY <u>Massachusetts</u>	ZIP CODE <u>02114</u>
202	FULL NAME OF INVENTOR	LAST NAME <u>Cohen</u> 2-00	FIRST NAME <u>Lawrence</u>	MIDDLE NAME <u>K.</u>	
	RESIDENCE & CITIZENSHIP	CITY <u>Oakland</u>	STATE OR FOREIGN COUNTRY <u>California</u> CA	COUNTRY OF CITIZENSHIP <u>United States</u>	
	POST OFFICE ADDRESS	STREET <u>5670 Cabot Drive</u>	CITY <u>Oakland</u>	STATE OR COUNTRY <u>California</u>	ZIP CODE <u>94611</u>
203	FULL NAME OF INVENTOR	LAST NAME <u>Guild</u> 3-00	FIRST NAME <u>Brad</u>	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY <u>Concord</u>	STATE OR FOREIGN COUNTRY <u>Massachusetts</u> MA	COUNTRY OF CITIZENSHIP <u>United States</u>	
	POST OFFICE ADDRESS	STREET <u>109 Riverdale Road</u>	CITY <u>Concord</u>	STATE OR COUNTRY <u>Massachusetts</u>	ZIP CODE <u>01742</u>
204	FULL NAME OF INVENTOR	LAST NAME <u>Rafield</u> 4-00	FIRST NAME <u>Lori</u>	MIDDLE NAME <u>F.</u>	
	RESIDENCE & CITIZENSHIP	CITY <u>San Francisco</u>	STATE OR FOREIGN COUNTRY <u>California</u> CA	COUNTRY OF CITIZENSHIP <u>United States</u>	
	POST OFFICE ADDRESS	STREET <u>2249 Beach Street, #5</u>	CITY <u>San Francisco</u>	STATE OR COUNTRY <u>California</u>	ZIP CODE <u>94123</u>
205	FULL NAME OF INVENTOR	LAST NAME <u>Robbins</u> 5-00	FIRST NAME <u>Paul</u>	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY <u>Mt. Lebanon</u>	STATE OR FOREIGN COUNTRY <u>Pennsylvania</u> PA	COUNTRY OF CITIZENSHIP <u>United States</u>	
	POST OFFICE ADDRESS	STREET <u>527 Overlook Drive</u>	CITY <u>Mt. Lebanon</u>	STATE OR COUNTRY <u>Pennsylvania</u>	ZIP CODE <u>15216</u>
206	FULL NAME OF INVENTOR	LAST NAME <u>Mulligan</u> 6-00	FIRST NAME <u>Richard</u>	MIDDLE NAME <u>C.</u>	
	RESIDENCE & CITIZENSHIP	CITY <u>Lincoln</u>	STATE OR FOREIGN COUNTRY <u>Massachusetts</u> MA	COUNTRY OF CITIZENSHIP <u>United States</u>	
	POST OFFICE ADDRESS	STREET <u>2 Sandy Hill Road</u>	CITY <u>Lincoln</u>	STATE OR COUNTRY <u>Massachusetts</u>	ZIP CODE <u>01773</u>

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

SIGNATURE OF INVENTOR 201 <u>Isabelle Rivière</u>	SIGNATURE OF INVENTOR 202 <u>Lawrence K. Cohen</u>	SIGNATURE OF INVENTOR 203 <u>Brad Guild</u>
DATE <u>8/25/94</u> , 1994	DATE _____, 1994	DATE _____, 1994
SIGNATURE OF INVENTOR 204 <u>Lori F. Rafield</u>	SIGNATURE OF INVENTOR 205 <u>Paul Robbins</u>	SIGNATURE OF INVENTOR 206 <u>Richard C. Mulligan</u>
DATE _____, 1994	DATE _____, 1994	DATE _____, 1994

SEND CORRESPONDENCE TO: PENNIE & EDMONDS 1155 AVENUE OF THE AMERICAS NEW YORK, N.Y. 10036-2711				DIRECT TELEPHONE CALLS TO: PENNIE & EDMONDS (212) 790-9090	
2 0 1	FULL NAME OF INVENTOR	LAST NAME Rivière	FIRST NAME Isabelle	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Boston	STATE OR FOREIGN COUNTRY Massachusetts	COUNTRY OF CITIZENSHIP French	
	POST OFFICE ADDRESS	STREET 90 West Cedar Street	CITY Boston	STATE OR COUNTRY Massachusetts	ZIP CODE 02114
2 0 2	FULL NAME OF INVENTOR	LAST NAME Cohen	FIRST NAME Lawrence	MIDDLE NAME K.	
	RESIDENCE & CITIZENSHIP	CITY Oakland	STATE OR FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP United States	
	POST OFFICE ADDRESS	STREET 5670 Cabot Drive	CITY Oakland	STATE OR COUNTRY California	ZIP CODE 94611
2 0 3	FULL NAME OF INVENTOR	LAST NAME Guild	FIRST NAME Brad	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Concord	STATE OR FOREIGN COUNTRY Massachusetts	COUNTRY OF CITIZENSHIP United States	
	POST OFFICE ADDRESS	STREET 109 Riverdale Road	CITY Concord	STATE OR COUNTRY Massachusetts	ZIP CODE 01742
2 0 4	FULL NAME OF INVENTOR	LAST NAME Rafield	FIRST NAME Lori	MIDDLE NAME F.	
	RESIDENCE & CITIZENSHIP	CITY San Francisco	STATE OR FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP United States	
	POST OFFICE ADDRESS	STREET 2249 Beach Street, #5	CITY San Francisco	STATE OR COUNTRY California	ZIP CODE 94123
2 0 5	FULL NAME OF INVENTOR	LAST NAME Robbins	FIRST NAME Paul	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Mt. Lebanon	STATE OR FOREIGN COUNTRY Pennsylvania	COUNTRY OF CITIZENSHIP United States	
	POST OFFICE ADDRESS	STREET 527 Overlook Drive	CITY Mt. Lebanon	STATE OR COUNTRY Pennsylvania	ZIP CODE 15216
2 0 6	FULL NAME OF INVENTOR	LAST NAME Mulligan	FIRST NAME Richard	MIDDLE NAME C.	
	RESIDENCE & CITIZENSHIP	CITY Lincoln	STATE OR FOREIGN COUNTRY Massachusetts	COUNTRY OF CITIZENSHIP United States	
	POST OFFICE ADDRESS	STREET 2 Sandy Hill Road	CITY Lincoln	STATE OR COUNTRY Massachusetts	ZIP CODE 01773

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SIGNATURE OF INVENTOR 201 Isabelle Rivière	SIGNATURE OF INVENTOR 202  Lawrence K. Cohen	SIGNATURE OF INVENTOR 203 Brad Guild
DATE _____, 1994	DATE <u>11/17</u> , 1994	DATE _____, 1994
SIGNATURE OF INVENTOR 204 Lori F. Rafield	SIGNATURE OF INVENTOR 205 Paul Robbins	SIGNATURE OF INVENTOR 206  Richard C. Mulligan
DATE _____, 1994	DATE _____, 1994	DATE <u>11/17</u> , 1994

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202	FULL NAME OF INVENTOR	LAST NAME Cohen	FIRST NAME Lawrence	MIDDLE NAME K.	
	RESIDENCE & CITIZENSHIP	CITY Oakland	STATE OR FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP United States	
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203	FULL NAME OF INVENTOR	LAST NAME Guild	FIRST NAME Brad	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Concord	STATE OR FOREIGN COUNTRY Massachusetts	COUNTRY OF CITIZENSHIP United States	
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204	FULL NAME OF INVENTOR	LAST NAME Rafield	FIRST NAME Lori	MIDDLE NAME F.	
	RESIDENCE & CITIZENSHIP	CITY San Francisco	STATE OR FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP United States	
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	RESIDENCE & CITIZENSHIP	CITY Lincoln	STATE OR FOREIGN COUNTRY Massachusetts	COUNTRY OF CITIZENSHIP United States	
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DATE _____, 1994	DATE _____, 1994	DATE _____, 1994
SIGNATURE OF INVENTOR 204 Lori F. Rafield	SIGNATURE OF INVENTOR 205 Paul Robbins	SIGNATURE OF INVENTOR 206 Richard C. Mulligan
DATE _____, 1994	DATE _____, 1994	DATE _____, 1994

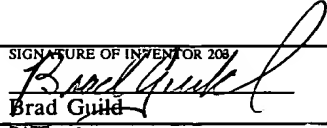
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	POST OFFICE ADDRESS	STREET 527 Overlook Drive	CITY Mt. Lebanon	STATE OR COUNTRY Pennsylvania	ZIP CODE 15216
206	FULL NAME OF INVENTOR	LAST NAME Mulligan	FIRST NAME Richard	MIDDLE NAME C.	
	RESIDENCE & CITIZENSHIP	CITY Lincoln	STATE OR FOREIGN COUNTRY Massachusetts	COUNTRY OF CITIZENSHIP United States	
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DATE _____, 1994	DATE _____, 1994	DATE _____, 1994
SIGNATURE OF INVENTOR 204 Lori F. Rafield	SIGNATURE OF INVENTOR 205 <i>Paul Robbins</i> Paul Robbins	SIGNATURE OF INVENTOR 206 Richard C. Mulligan
DATE _____, 1994	DATE _____, 1994	DATE _____, 1994

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	RESIDENCE & CITIZENSHIP	CITY San Francisco	STATE OR FOREIGN COUNTRY California	COUNTRY OF CITIZENSHIP United States	
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	RESIDENCE & CITIZENSHIP	CITY Mt. Lebanon	STATE OR FOREIGN COUNTRY Pennsylvania	COUNTRY OF CITIZENSHIP United States	
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	RESIDENCE & CITIZENSHIP	CITY Lincoln	STATE OR FOREIGN COUNTRY Massachusetts	COUNTRY OF CITIZENSHIP United States	
	POST OFFICE ADDRESS	STREET 2 Sandy Hill Road	CITY Lincoln	STATE OR COUNTRY Massachusetts	ZIP CODE 01773

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SIGNATURE OF INVENTOR 201 Isabelle Rivière	SIGNATURE OF INVENTOR 202 Lawrence K. Cohen	SIGNATURE OF INVENTOR 203  Brad Guild
DATE _____, 1994	DATE _____, 1994	DATE August 23, 1994
SIGNATURE OF INVENTOR 204 Lori F. Rafield	SIGNATURE OF INVENTOR 205 Paul Robbins	SIGNATURE OF INVENTOR 206 Richard C. Mulligan
DATE _____, 1994	DATE _____, 1994	DATE _____, 1994

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: ☒ Application of: Riviere, et al.
☐ Patent of:



Ref

☒ Serial No.: 08/252,710

☐ Patent No.:

☒ Filed: June 2, 1994

☐ Issued:

Group Art Unit:

Examiner:

For: RETROVIRAL VECTORS USEFUL FOR
GENE THERAPY

Attorney Docket No.:
8141-0113-999

VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
[37 CFR 1.9(f) and 1.27(c)] - Small Business Concern

Honorable Commissioner of Patents and Trademarks
Washington, D.C. 20231

Sir:

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act in behalf of
the concern identified below:

Name of concern Whitehead Institute for Biomedical Research

Address of concern Nine Cambridge Center

Cambridge, Massachusetts 02142

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 37 CFR 1.9(d), for purposes of paying reduced fees under section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the person employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern and/or there is an obligation under contract or law by the inventor(s) to convey rights to the small business concern with regard to the invention, entitled Retroviral Vectors Useful For Gene Therapy by inventor(s) Riviere, et al. described in

- ☐ the specification filed herewith
☒ application serial no. 08/252,710 filed June 2, 1994
☐ patent no. issued

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e).

FULL NAME Somatix Therapy Corporation

ADDRESS 9 Cambridge Center, Cambridge MA 02142

☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME _____

ADDRESS _____

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. [37 CFR 1.28 (b)]

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, and patent issuing thereon, or any patent to which this verified statement is directed.

Send correspondence to: PENNIE & EDMONDS
1155 Avenue of the Americas
New York, N.Y. 10036-2711

Direct Telephone calls to:
PENNIE & EDMONDS
(212) 790-9090

Name of person signing John Pratt

Title of person other than owner Vice President, Whitehead Institute

Address of person signing 9 Cambridge Center, Cambridge, Massachusetts CA 02142

Signature _____

Date August 23, 1994

*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities.
(37 CFR 1.27)